

R E M A R K S

Claims 1-19 are now in this Application, and are presented for the Examiner's consideration.

Election/Restriction

Applicant hereby affirms the election requirement of the species 2 and 3 of Figs. 10-19, and that claims 1-9 and 15-19 read on the elected species.

It is submitted, however, that amended claim 1 herein is still generic to all of the embodiments in the application.

No Additional Fee

Since there are a total of nineteen (19) claims, with three (3) independent claims, it is submitted that no additional claim fee is required.

Allowable Subject Matter

Claims 7 and 16, which were indicated as containing allowable subject matter, have been rewritten in independent form.

Prior Art Rejection

Claims 1-6, 8, 9, 15 and 17-19 were rejected under 35 U.S.C. §103(a) as being obvious from U.S. Patent No. 4,901,765 to Poe in view of U.S. Patent No. 4,505,407 to Johnson.

Claim 1

Poe merely discloses a shower head with a conventional venturi system to suck liquid from a remote reservoir 12 through a conduit 36 into the flow path 26 from shower arm 16. The amount of soap that can pass from conduit 36 to the shower head, that is, the rate at which liquid is drawn through the further flow path 42 is partially controlled through the vacuum regulator 44 which incorporates a thumb type screw which can be selectively adjusted for opening and closing the further flow path 40 through the fitting 38.

In addition, Poe provides a vacuum control means 50 which serves to vent the vacuum generated by the venturi action produced within the mixing chamber 32. The vacuum control means 50 includes a vacuum button 52 which must be depressed to cut off the air flow through path 54. This permits the venturi effect to draw liquid from container 12. At the same time, once depressed, the vacuum from the venturi action holds vacuum button 52 in to maintain the suction as a constant flow of liquid from container

12, until the water in the shower is turned off, whereupon button 52 is released.

However, as recognized by the Examiner, Poe fails to disclose an outer tube movably mounted over the inner tube and connected with the container, the outer tube having an inlet adapted to be fluidly connected with soap from the container and an outlet adapted to be fluidly connected with the inlet of the inner tube, a biasing device for applying pressure between the inner tube and the outer tube in a direction to move the inner tube and outer tube apart, and a valve for permitting soap to enter the inlet of the inner tube when the outer tube is moved toward the inner tube against the force of the biasing device and which prevents soap from entering the inlet of the inner tube when the outer tube is moved away from the inner tube by the biasing device, as recited in claim 1.

As discussed above, Poe is only intended to provide a constant flow of liquid from container 12, and cannot be used to provide a metered amount of liquid from container 12. Once button 52 is depressed, there is suction, and this suction remains until the shower is turned off. See column 4, lines 19-25 of Poe.

For this reason, Johnson was cited for teaching an outer tube 14 movably mounted over the inner tube 20 and connected with the container 10, the outer tube 14 having an inlet 15 adapted to

be fluidly connected with soap from the container 10 and an outlet 15 adapted to be fluidly connected with the inlet of the inner tube 20, a biasing device 16 for applying pressure between the inner tube 20 and the outer tube 14 in a direction to move the inner tube 20 and outer tube 14 apart, and a valve for permitting soap to enter the inlet of the inner tube 20 when the outer tube 14 is moved toward the inner tube against the force of the biasing device 16 and which prevents soap from entering the inlet of the inner tube 20 when the outer tube 14 is moved away from the inner tube 20 by the biasing device, as recited in claim 1.

The Examiner did not indicate by numbering what constituted the claimed valve assembly in Johnson.

In the first place, Johnson is directed to a device for dispensing solid granulated material in metered amounts. However, as discussed above, Poe is not concerned with dispensing any metered amounts of soap, but rather, merely places the valve in an open position at all times when the water is running. In order to combine references, there must be some suggestion in the prior art, or some logical reason to do so. It is submitted that, since Johnson merely dispenses a metered dose of granular material that is not transported to a distant location, there is no suggestion or logical reason provided to combine the references.

More importantly, Johnson is directed to a device for dispensing solid granulated material, and not liquid material. This is important in relation to the structure of Johnson. Specifically, Johnson provides that the granulated material can exit when the openings in the inner tube 20 and the outer tube 17 are in alignment. This is good for granulated material since there is no need for any liquid sealing arrangement. In other words, because the granules have a size or diameter, the granules cannot pass through the annular space between the outer tube 14 and inner tube 20. However, this is not the case with a liquid. There is no liquid tight sealing nature between the outer tube 14 and inner tube 20. As a result, even if the openings in the outer tube 14 and inner tube 20 are not in alignment, which is sufficient to prevent the escape of the granules, it is not sufficient to prevent the escape of a liquid which would readily pass through the annular space between the outer tube 14 and inner tube 20.

Thus, even if Johnson and Poe were combined, there would still be leakage of soap from between tubes 14 and 20, even when the openings thereof were not aligned. This means that the soap would be constantly dispensed and there would be no metering action.

The present invention, on the other hand, provides a valve device that is separate and distinct from the inner tube and the

outer tube, and which does provide this sealing arrangement, in order to prevent the escape of liquid soap from the annular space between the inner tube and the outer tube.

Specifically, the valve device in the elected species includes valve 185 which includes a separate element that is distinct from inner tube 162 and outer tube 150. In the embodiment of Figs. 7 and 8, the valve device that is distinct from inner tube 62 and outer tube 50 includes ball 70 and spring 66. As discussed above, the only "valving" action in Johnson derives from the alignment of the openings in the inner tube and outer tube, and there is no separate and distinct valve device.

In order to emphasize these distinctions, claim 1 has been amended to recite "a valve device which includes a separate element from the inner tube and the outer tube for permitting liquid soap to enter said inlet of said inner tube when said outer tube is moved toward the inner tube against the force of said biasing device and which prevents liquid soap from entering said inlet of said inner tube when said outer tube is moved away from the inner tube by said biasing device."

As discussed above, there is no disclosure or even a remote suggestion in Johnson of a valve device which includes a separate element from the inner tube and the outer tube, and which prevents liquid soap from entering the inlet of the inner tube

when the outer tube is moved away from the inner tube by the biasing device.

Claim 3

This claim recites that the member of the valve device includes an inner wall which covers and uncovers the inlet of the inner tube and an outer wall connected with the inner wall and which engages with the outer tube for moving the inner wall relative to the inner tube to cover and uncover the inlet of the inner tube. This is shown in the elected embodiment of Figs. 12 and 13 by valve 185.

The Examiner states that it would have been obvious to one of ordinary skill in the art to have included the member of the valve with such structure. However, Johnson fails to disclose any separate valve member whatsoever, let alone one with this structure.

Therefore, if it would have been so obvious to provide such structure, the Examiner is requested to provide at least one reference showing or at least suggesting the same.

Claim 5

It was stated that Johnson teaches an outer wall of the soap dispenser in frictional engagement with the outer tube in order to allow for a close fit of the inner and outer tubes. However,

it is submitted that Johnson does not disclose any such frictional engagement.

Outer tube 14 and inner tube 20 of Johnson are in sliding arrangement with respect to each other. Spring 16 provides for the free biasing apart of these tubes, while an upward force, as indicated by the hand and arrow in Fig. 1, can move the tubes toward each other against the force of the spring. If there was a frictional engagement, the spring 16 could not move the tubes apart in the manner taught by Johnson, and Johnson would be inoperative for its intended purpose.

The only discussion in Johnson of any frictional engagement is with respect to the O-ring 31 in relation to tube 32, which can be adjusted relative to tube 20 in a fixed manner and set in this fixed relation by set screw 34. However, tube 20 and 32 do not constitute the claimed inner and outer tubes, since there is no valve therebetween.

Further, claim 5 recites that the outer wall of the valve device which is separate from the inner tube and outer tube is in frictional engagement with the outer tube. Since there is no separate valve device whatsoever in Johnson, this teaching is not disclosed or even remotely suggested by Johnson.

Claims 18 and 19

It was stated that Poe discloses a cup 61 having a bottom wall and an internal boss connected with the bottom wall for mounting the container in spaced relation from the bottom wall and having at least one opening.

It is respectfully submitted that there is no disclosure or even a remote suggestion of the same in Poe. Poe does disclose a bracket 61 for holding the soap bottle or remote reservoir 12. However, there is no disclosure or suggestion whatsoever in Poe of any internal boss connected with a bottom wall of the bracket for mounting the container in spaced relation from the bottom wall and having at least one opening, as claimed. In fact, the structure of bracket 61 is totally lacking in Poe, and Poe does not even disclose that there is a bottom wall at all. For example, the side walls of the bracket 61 of Poe could be slightly intumed at the bottom edges for holding the reservoir 12.

In the present invention, as shown in Fig. 11, there is an internal boss 134 for mounting the container in spaced relation from the bottom wall 124b of container 124. Again, there is no disclosure or suggestion whatsoever in Poe of any raised internal boss, and in fact, there is no disclosure or suggestion whatsoever of the internal structure of bracket 61 of Poe or even if there is a bottom wall at all.

Claim 19 also recites that the bottom wall 124b contains openings 124e therein, and that the container is in spaced relation from the bottom wall 124b. Again, there is no disclosure or suggestion whatsoever in Poe whatsoever of the structure of the bottom wall of bracket 61 of Poe.

As discussed at page 16, line 18 - page 17, line 8 of the present application, "by providing a raised up post 134 extending within cup 124 and openings 124e in bottom wall 124b, bottle 140 sits above the upper surface of bottom wall 124b of cup 124. This allows water that enters between cup 124 and bottle 140 to drain out, and also provides for air to enter in through openings 124e and enter through bore 134c which has a sloppy or loose fit with inner tube 162 of valve arrangement 148. It has been found that the additional air entering into through bore 134c from openings 124e provides for more aeration of the water, resulting in a greater lather of the soap exiting shower head 12. Specifically, with soap dispenser system 10 according to the first embodiment of Figs. 1-9, the lather of the soap was not as great as compared with soap dispenser system 110 of the embodiment of Figs. 10-16."

Poe merely discloses a support bracket 61, without disclosing or suggesting in any manner the structure thereof. Thus, not only does Poe fail to disclose or suggest the structure of claims 18 and 19, but Poe would also fail to achieve the

advantages from such structure, namely, of providing for more aeration of the water to achieve a greater lather and to provide drainage for any water that enters between cup 124 and bottle 140.

Accordingly, it is respectfully submitted that the rejection of claims 1-6, 8, 9, 15 and 17-19 under 35 U.S.C. §103(a), has been overcome.

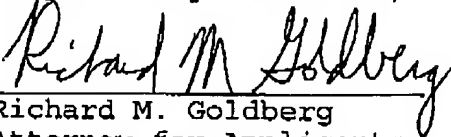
If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-19 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,



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